Be4990

ENGINEERED MATERIALS

Brush Wellman Inc. Corporate Headquarters 1200 Hanna Building Cleveland, Ohio 44115 (216) 443-1000

October 10, 1986

Ms. Michelle Reynolds, Esq. Department of Energy Albuquerque Operations Office P. O. Box 5400 Albuquerque, NM 87115

SUBJECT: COOK V. GENERAL ELECTRIC CO. AND BRUSH WELLMAN INC. ATOMIC ENERGY COMMISSION CONTRACT NO. AT(30-1)-541

Dear Ms. Reynolds:

By letter dated April 1, 1985, Brush Wellman Inc., through its counsel, Jones, Day, Reavis & Pogue, notified the Department of Energy that Brush had been named a defendant in a complaint filed by the widow of Glenwood Cook, a former employee of General Electric Co. at a facility owned by the United States Government in Cincinnati, Ohio. A copy of that letter, without enclosures, is enclosed with this letter. In the letter Brush made demand upon the United States to defend, indemnify and hold Brush harmless in the Cook action in accordance with the provisions of Atomic Energy Commission Contract No. AT(30-1)-541 ("Contract").

In response, Brush was informed that the United States would not undertake defense of the case on Brush's behalf but that Brush would have to arrange its own defense. Brush did so through Jones, Day, its regular outside counsel, and has periodically received and paid statements from the Jones, Day firm for the work done on the Cook matter. In July 1986, the Cook lawsuit was successfully concluded with plaintiff filing a voluntary dismissal as to Brush.

Enclosed with this letter is an invoice representing the accumulated amounts which Brush paid Jones, Day for services and out-of-pocket expenses in connection with defense of Cook. We are tendering this invoice to you for payment in accordance with the Contract.

Please remit the amount to Brush to my attention.

Sincerely

ORF00000494

Administration

--- Date 11-- 1--

MBP:1s

BRUSHWELLMAN

ENGINEERED MATERIALS

FILE COPY
OF INVOICE

TOTAL

IS 73.637.26

REMIT TO: Box 5168 PLANTS: Cleveland, OH Delta, UT Elmore, OH Hampton, NJ Reading, PA Cleveland, Ohio 44190 WAREHOUSES: Chicago, IL Detroit, MI Fairfield, NJ Lawndale, CA REFER TO THIS NUMBER ORDER DATE INVOICE NO. DATE ENTERED CUSTOMER'S ORDER NO. - DATE IN ALL CORRESPONDENCE 4071-0 ba AND HOLIMES INVOICE DATE COLL FREIGHT TERMS CUSTOMER NO. TERMS 10-9-86 Net 30 Days 944185 PROMISE DATE REQUESTED DATE ITEM U.S. Department Of Energy D Albuquerque Operations Office WAYBUL NO. P.O. Box 5400 o Albuquerque, New Mexico 87115 COLL PART . COM Attention: Michelle Reynolds, Esq. NO. CONTAINERS GROSS WGT DATE SHIPPED DIST. 1200 99 QUANTITY CHAMITTY QUANTITY WORK ORDER BACK OPD. PCS./LBS. UNIT SHIPPED PCS./LBS AMOUNT DESCRIPTION PCS./LBS PRICE \$ 73,637.26 Reimbursement of legal expenses from Jones, Day incurred by Brush Wellman in Defense of the Cook Case and for which the U.S. Government has indemnified Brush Wellman under Contract No. AT (30-1) +541. A/C 3230-0130 FIFTH DIGIT REPRESENTS ITEM NO. SPECIAL PISTRUCTIONS CC: R. Lach M. Powers C. Waite